THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.17966 OF 2002

Dated:11-08-2005

Between:

Y. Ramulu and another.

..Petitioner.

And

The L.B.Nagar Municipality, represented by its Commissioner, Ranga Reddy District, Hyderabad and another.

..Respondents.

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.17966 OF 2002

ORDER:

This writ petition is filed to declare the show cause notice dated 16-7-2002 issued by the first respondent and the action of the respondents in interfering with the construction carried on by the petitioners in plot No.9 in Sy.No.96/3 of Nagole village in pursuance of permission granted by the first respondent, vide proceedings dated 18-06-2002, as illegal and arbitrary.

The brief facts are that the petitioners purchased plot No.9 in an extent of 400 square yards along with a small house situated in Sy.No.96/3 of Nagole village through the registered sale deed dated 14-07-2002. The petitioners started construction of a residential house in the said plot after obtaining permission from the first respondent-Municipality, vide proceedings No.18-06-2002. Surprisingly, the first respondent issued the impugned show cause notice dated 16-07-2002 stating that the site under Sy.Nos.96/3 & 4 of Nagole village is a Government poramboke land and called upon to show cause as to why the building permission already granted to the petitioners should not be cancelled. Thereupon, the petitioners have submitted their explanation on 19-07-2002, which is pending for consideration. The respondents, without considering the said explanation, are interfering with their construction work. Hence, the writ petition.

Heard both the learned counsel and considered the material on record.

A perusal of the record goes to show that the matter comes under the purview of the civil in nature. However, it is brought to the notice of this court that the explanation submitted by the petitioners is pending consideration before the first respondent.

In this view of the matter, without expressing any opinion on merits of the case, I deem it appropriate to direct the first respondent to consider the explanation submitted by the petitioners dated 19-07-2002 and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that till such time, the respondents shall not interfere with the construction work of the petitioners. No

order as to costs.

_____

11-08-2005

sj